REMARKS

Claims 1-16 are pending. Claims 1, 10, and 15 are amended to recite a computer having an accessibility system outputting a synopsis of the large data set rather than the large data set itself. Support for these amendments is found throughout the application as filed, and in particular at ¶ 0023, and Figs. 4-5. No new matter is added. Claims 12-13 are cancelled.

35 U.S.C. § 112 Rejections

Claims 12-13 are cancelled, obviating the 35 USC § 112 rejections.

35 U.S.C. § 101 Rejections

The Examiner rejected claims 1-16 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. A claimed process is statutory subject matter if it (1) is tied to another statutory category, such as a particular apparatus, or (2) transforms underlying subject matter. Claims 1, 10, and 15 each explicitly recite "a computer having an accessibility system," and further recite limitations that the process must "cause the accessibility system to output the synopsis of said large data set rather than the large data set." A computer is a specific, statutory apparatus. However, claims 1, 10, and 15 are further limited to a computer having an accessibility system. An accessibility system is described in the Specification as filed at ¶ 0023: "Accessibility-equipped computers 10, such as those including a screen reader 36, may interpret the CONTAINER tag and output the summary 80 of the associated large data set, rather than the entire large data set itself." Because all claims are explicitly tied to a computer having an accessibility system, and include limitations defining the operation of such computer and accessibility system, the claims recite statutory subject matter. For at least this reason, the § 101 rejections are improper and must be withdrawn.

The Examiner further rejected claims 10 and 15 under 35 U.S.C. § 101 as "claiming a computer program *per se* and nonfunctional descriptive material consisting of data structures and computer programs, which impart functionality when employed as a computer component."

Claims 10 and 15 do not claim computer programs *per se*. They claim a computer readable medium including one or more computer programs operative to cause a computer to perform specific functions. This is the definition of functional descriptive material. "When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized." MPEP § 2106.01. "Only when the claimed invention taken as a whole is directed to a mere program listing, *i.e.*, to only its description or expression, is it descriptive material *per se* and hence nonstatutory." MPEP § 2106.01 I. Neither claim 10 nor 15 recites any program listing; the claims recite functional process steps. Since functional descriptive material on a computer-readable medium is statutory, the § 101 rejections of claims 10 and 15 are improper and must be withdrawn.

35 U.S.C. § 102 Rejections

The Examiner rejected claims 1, 10, and 15 under 35 U.S.C. § 102 as being anticipated by U.S. Patent Application Publication No. 2004/0205463 to Darbie ("Darbie"). "[A] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 730 F.2d 1452, 1458 (Fed. Cir. 1984) (internal citations omitted, emphasis added). Darbie fails to disclose every element of claims 1, 10, or 15.

Darbie discloses a system for identifying certain text in a long text file. In particular, text containing "warning," "error," or other operator selectable strings (Abstract) is extracted from the

text file, and reproduced in a header preceding the text body. See Fig. 6. The extracted text allows a human operator to quickly spot information of interest, which may otherwise be buried in the minutiae of a large text file.

Darbie's output is depicted in Figs. 6. In Fig. 6A, text strings 620 matching the operator selected string WARNING are reproduced and highlighted at the head 600 of the output. The text file 650 follows. Note that both the matching text strings and the entire text file are output together. This is emphasized by Fig. 6B, depicting the text strings 622 containing the selected string WARNING as being highlighted, and linked to the reproduced text strings 620 in the header 600. This linking is only effective if the reproduced text strings 620 are output in the same file.

Claims 1, 10, and 15 are amended herein to explicitly recite that, where a summary of a large data set is generated and included in a synopsis container, and the synopsis container is transferred to a computer having an accessibility device, the synopsis of the large data set is output by the accessibility device rather than the large data set itself. Darbie clearly fails to disclose or suggest this limitation, and indeed teaches away from it by linking its reproduced text strings 620 in the header 600 to the actual text strings 622 in the text body 650. For at least the reason that Darbie fails to disclose each limitation of the independent claims, the § 102 rejections are improper and must be withdrawn.

Furthermore, Darbie has nothing to do with accessibility systems, or rendering content to enable or enhance the use of accessibility systems. Darbie's target computer is entirely conventional, as depicted in Fig. 2. The text file Darbie generates is output by the display 240 or printer 250, neither of which is disclosed as having any accessibility system such as a screen reader. Darbie's user interface device(s) 230 are described in ¶ 0041 as a keyboard, mouse, function keys, touch-screen, stylus, etc. Claims 1, 10, and 15 explicitly recite transmitting a synopsis container to a computer having an accessibility system, and wherein the accessibility

system is operative to selectively output a synopsis of a large data file rather than the large data file itself. Darbie does not teach or suggest any accessibility system, or indeed any peripheral or component at all that is operative to selectively output a synopsis of a large data file rather than the large data file itself. For at least this additional reason, Darbie fails to disclose each limitation of the independent claims, and the § 102 rejections are improper and must be withdrawn.

35 U.S.C. § 103 Rejections

The Examiner rejected claims 11-13 under 35 U.S.C. § 103 as being unpatentable over Darbie in combination with U.S. Patent No. 6,470,381 to De Boor *et al.* ("De Boor"). To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2143. The combination of Darbie and De Boor fails to teach or suggest all limitations of claims 11-13.

De Boor discloses a wireless communication device having a user interface comprising a browser interpreting HTML and extensions to HTML. The interface allows a user to access the Internet and World Wide Web, as well as telecommunications functions such as dialing, text messaging, and the like.

The Examiner cited to Fig. 7 and col. 22, lines 34-52 as teaching generating a flag attribute indicating whether or not a computer having an accessibility system should output a large data set. Fig. 7 and the cited text discloses representative HTMLp source code to generate a page with a key menu. In this example, three soft keys are generated, with the labels "Messages," "Recent Calls," and "Phone Settings." The corresponding actions are to access the files "msgs.html" "recent.html" and "phonsett.html" respectively. As De Boor describes, "Selecting one of the entries in the menu, either by pressing the softkey marked 'Select' or pressing the numbered key matching the icon to the left of the entry, causes the ACTION specified in the KEYMENU to be executed." col. 22, lines 47-51. To those of skill in the art, this is self-evidently source code to generate, display, and take user input from a soft menu on a

touch screen. It has absolutely nothing to do with generating any flag attribute indicating a computer having an accessibility system (which De Boor does not disclose or suggest) should output a large data set.

The Examiner rejected claims 9 and 16 under 35 U.S.C. § 103 as being unpatentable over Darbie in combination De Boor and U.S. Patent Application Publication No. 2002/0178007 to Slotznick *et al.* ("Slotznick"). Slotznick discloses a system for rendering web pages and other text documents on a computer in a manner to allow a user who has difficulty reading to navigate between and among the documents and to have the documents, or portions of them, read aloud by the computer using a text-to-speech engine in their original or translated form while preserving the original layout of the document. Abstract. Slotznick fails to cure the deficiency of Darbie to disclose an accessibility system, or that the accessibility system renders a synopsis of a large data set rather than the large data set.

As discussed above, claims 1, 10, and 15 define patentable novelty over the art of record. All dependent claims include all limitations of their respective parent claim(s), and thus also define patentable novelty over the art of record. Furthermore, the dependent claims exhibit patentable nonobviousness over all combinations of prior art of record. All pending claims are now in condition for allowance, which prompt action is hereby respectfully requested.

Respectfully submitted,
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